

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

ROBERT ALLEN BAUTISTA™,
Plaintiff,

v.

Case No. 3:24-CV-02935-K

**SANTANDER CONSUMER USA, INC., AUDI HENDERSON, EQUIFAX INC.,
EXPERIAN CORPORATION, and TRANSUNION,**
Defendants.

**PLAINTIFF'S MOTION TO IMPOSE SANCTIONS AGAINST DEFENDANTS AND THEIR
ATTORNEYS FOR CONTINUOUS SLANDER AND ACTS OF BAD FAITH**

TO THE HONORABLE COURT:

Plaintiff **ROBERT ALLEN BAUTISTA™** respectfully moves this Court to impose sanctions against **Defendant Santander Consumer USA, Inc., Audi Henderson, Equifax Inc., Experian Corporation, and TransUnion** (collectively "Defendants") and their attorneys, based on their continuous slander, bad faith conduct, and attempts to prevent Plaintiff from receiving the legal remedies to which he is entitled. Plaintiff respectfully submits that the actions of Defendants and their attorneys have caused substantial harm to Plaintiff's reputation and legal standing, and their conduct constitutes a violation of both procedural and substantive legal obligations.

Plaintiff further asserts that the repeated allegations made by Defendants' attorneys—claiming that Plaintiff is engaging in "shotgun pleading"—are not only without merit, but also fail to constitute any legal defense against the original and amended claims brought by the Plaintiff in this case.

In support of this motion, Plaintiff attaches a fee schedule detailing the costs incurred to protect his rights, reputation, and to prevent further misconduct, including unnecessary legal costs resulting from Defendants' actions.

I. BACKGROUND

Defendants have engaged in a pattern of slander and bad faith conduct, including:

1. **Slandorous Statements:** Defendants and their attorneys have made unfounded and defamatory claims regarding Plaintiff's efforts to fulfill his obligations under the original contract. Specifically, Defendants have claimed that Plaintiff's attempts to further perform and pay under the contract are non-sensical. These slanderous statements have caused reputational damage to the Plaintiff and undermine his legitimate efforts to resolve the matter.
2. **Pattern of Bad Faith Tactics:** Defendants have engaged in bad faith tactics, including accusations that Plaintiff's complaint constitutes a "shotgun pleading." This accusation is a

baseless attempt to delay, deflect, and discredit Plaintiff's claims, all of which are legitimate and grounded in both law and fact. Defendants' repeated use of these tactics is not a valid legal defense and is, in fact, a violation of good faith litigation practices.

3. **Failure to Comply with Legal Obligations:** Defendants, particularly **Santander Consumer USA**, have violated applicable statutes governing negotiable instruments, contracts, and good faith negotiations. Furthermore, Defendants have failed to adhere to proper disclosure requirements, which continues to harm Plaintiff by preventing him from obtaining the relief he is owed.

II. LEGAL STANDARD FOR SANCTIONS

The **Texas Civil Practice and Remedies Code, Section 10.002**, grants this Court the authority to impose sanctions when a party engages in conduct that violates **Section 10.001**. Under **Section 10.002**, sanctions can include:

- **Attorney's fees** incurred by the prevailing party,
- **Costs** for inconvenience, harassment, and out-of-pocket expenses.

Additionally, under **Federal Rule of Civil Procedure 11**, a party may be sanctioned for presenting frivolous or improper claims and defenses, including claims or defenses made for the improper purpose of harassment or delay.

III. ARGUMENT

Plaintiff asserts that Defendants' continued misconduct—including defamatory slander and bad faith litigation practices—violates both the **Texas Rules of Civil Procedure** and **Federal Rule of Civil Procedure 11**, as well as the principles of **good faith** litigation.

1. **Defendants' Slander and Bad Faith Claims Are Improper Defenses:**
Defendants' claim that Plaintiff's complaint is a "shotgun pleading" and their continued slanderous statements are not legitimate defenses to the claims set forth in Plaintiff's original and amended complaints. These accusations do not address the merits of Plaintiff's allegations and are solely intended to harass and obstruct Plaintiff's legitimate legal efforts. The Defendants' actions are a direct violation of the obligation to engage in good faith litigation under **Texas Rule of Civil Procedure 13**.
2. **Sanctions Are Necessary to Prevent Further Harm:**
Plaintiff has already incurred significant costs and damages due to Defendants' slander and bad faith conduct. These costs include both **attorney's fees** and the **expenses** incurred in mitigating the damage caused by Defendants' actions. Sanctions are necessary to prevent further harm to Plaintiff's reputation, to ensure compliance with the Court's rules, and to deter Defendants from continuing their improper conduct.
3. **Legal Precedent Supports Sanctions for Bad Faith Conduct:**
Case law supports the imposition of sanctions when a party engages in bad faith conduct or improper litigation tactics:

- In **Chambers v. NASCO, Inc.**, 501 U.S. 32 (1991), the Supreme Court held that courts have inherent power to sanction a party for bad faith conduct, including slander and abusive litigation tactics.
- **Golden v. City of Grand Prairie**, 313 F.3d 327 (5th Cir. 2002), reaffirms that bad faith tactics, such as making false accusations or impeding a party's access to justice, warrant the imposition of sanctions to preserve the integrity of the legal process.

IV. REQUEST FOR RELIEF

Plaintiff respectfully requests that this Court:

1. **Sanction Defendants and Their Attorneys:**

Plaintiff requests that this Court impose sanctions on Defendants and their attorneys for their bad faith conduct, including:

- The payment of **reasonable attorneys' fees** incurred by Plaintiff in defending against Defendants' baseless claims and in preparing this motion for sanctions.
- Reimbursement of Plaintiff's **costs for inconvenience**, harassment, and **out-of-pocket expenses** caused by Defendants' actions.

2. **Prevent Further Misconduct:**

Plaintiff requests that the Court issue an order prohibiting Defendants from further slandering Plaintiff or engaging in tactics designed to delay or obstruct the proper resolution of this case.

3. **Show Cause:**

Plaintiff further requests that Defendants be required to show cause within 14 days of this Order why they should not be held in violation of **Section 10.001** and subjected to additional sanctions for their actions.

4. **Fee Schedule:**

Plaintiff has attached a **fee schedule** detailing the costs incurred to protect his rights, reputation, and prevent further misconduct. Plaintiff requests that the Court consider these costs when determining the appropriate sanction.

Respectfully submitted,

WITHOUT RECOURSE
WITHOUT PREJUDICE
ROBERT ALLEN BAUTISTA™
BY: Bautista, Robert-Allen / Agent

Robert Allen Bautista / Attorney-In-Fact

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ORDER TO IMPOSE SANCTIONS

ORDER

On this day, the Court considered Plaintiff's Motion to Impose Sanctions against Defendants and their attorneys for their continuous slander and bad faith conduct. The Court finds that Defendants' actions violate the principles of good faith litigation and have caused substantial harm to Plaintiff.

It is therefore ORDERED that:

1. **Sanctions:**

Defendants are hereby ordered to pay **reasonable attorneys' fees, costs for inconvenience, harassment, and out-of-pocket expenses** incurred by Plaintiff as a result of Defendants' misconduct.

2. **Cease and Desist:**

Defendants and their attorneys are ordered to cease any further actions that hinder, obstruct, or delay Plaintiff's pursuit of justice in this case, including slanderous conduct.

3. **Show Cause:**

Defendants are ordered to show cause within 14 days of this Order why they should not be held in violation of **Section 10.001** of the Texas Civil Practice and Remedies Code and subjected to additional sanctions.

4. **Additional Relief:**

The Court will consider further motions for sanctions should Defendants continue their bad faith conduct and attempts to obstruct Plaintiff's pursuit of relief.

SO ORDERED this ____ day of _____, 2025.

Judge's Signature: _____

Judge Name: _____

ATTACHMENTS:

- **Fee Schedule** detailing the costs incurred by Plaintiff